

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



HIGH FALLS BREWING COMPANY, LLC, HIGH FALLS OPERATING CO., LLC, NORTH AMERICAN BREWERIES, INC., AND KPS CAPITAL PARTNERS LP,	
Plaintiffs,	Case No. 6:10-cv-06100 CJS
-v-	
BOSTON BEER CORPORATION,	
Defendant.	

JUDGMENT IN A CIVIL CASE

The Court having denied Plaintiffs' application for injunctive relief pursuant to the Decision and Order dated June 8, 2010; Defendant Boston Beer having amended its arbitration statement of claim to exclude any claims as to Plaintiffs High Falls Operating Co., LLC, North American Breweries, Inc., and KPS Capital Partners LP; the claims as between Plaintiff High Falls Brewing Company, LLC and Boston Beer Corporation having come for arbitration before Arbitrator John F. Byrne, Esq.; the issues having been duly heard; an Award of Arbitrator having been rendered on January 13, 2011 ("Award"); the Award having been confirmed by this Court on May 31, 2011 pursuant to 9 U.S.C. § 9; Boston Beer's counterclaims for breach of the implied covenant of good faith and fair dealing (Counterclaim 2), immediate possession or foreclosure (Counterclaim 3), and conversion (Counterclaim 4) having been dismissed with prejudice pursuant to the stipulation dated May 25, 2011; Boston Beer's counterclaim for tortious interference with contract (Counterclaim 1) having been dismissed pursuant to the Decision and Order dated August 4, 2011; Boston Beer's Motion for Reconsideration of the

Decision and Order dated August 4, 2011 having been denied pursuant to the Order dated September 15, 2011; the Court having held a hearing on June 14, 2012 (the "Hearing") on Boston Beer Corporation's Motion for the Entry of Judgment on the Award, and on Boston Beer Corporation's Motion for Leave to Amend; the Court having Granted Boston Beer Corporation's Motion for the Entry of Judgment in its Decision and Order dated June 26, 2012; the Court having denied Boston Beer Corporation's Motion for Leave to Amend Counterclaim in its Decision and Order dated June 26, 2012; and the Court having ordered that this action be closed; the Court hereby enters Judgment as follows.

IT IS ORDERED AND ADJUDGED that, pursuant to the Decision and Order dated June 26, 2012, plaintiff High Falls Brewing Company LLC shall pay to the defendant Boston Beer Corporation the principal sum of ONE MILLION, TWO HUNDRED THOUSAND DOLLARS and NO CENTS (\$1,200,000.00), plus interest at the New York legal rate from the date of the Award, being January 13, 2011, until said sum is paid in full.

IT IS FURTHER ORDERED AND ADJUDGED that, pursuant to the Decision and Order dated June 26, 2012, the plaintiff, High Falls Brewing Company, LLC shall pay to defendant Boston Beer Corporation the sum of SEVENTY-SEVEN THOUSAND, ONE HUNDRED DOLLARS and NO CENTS (\$77,100.00).

IT IS FURTHER ORDERED AND ADJUDGED that, pursuant to the Decision and Order dated June 26, 2012, the Award was in full and complete settlement of any and all claims, counterclaims, off-sets and defenses properly within the jurisdiction of the Arbitrator, and any claim or counterclaim raised in the arbitration and not specifically granted in the Award was deemed denied.

IT IS FURTHER ORDERED AND ADJUDGED THAT, pursuant to the above-recited facts and the Decision and Order dated June 8, 2010, High Falls Operating Co, LLC, North American Breweries, Inc. and KPS Capital Partners LP's claim for a declaration of non-arbitrability (Claim I) is dismissed as moot.

IT IS FURTHER ORDERED AND ADJUDGED THAT, pursuant to the above-recited facts and the Decision and Order dated June 8, 2010, High Falls Operating Co, LLC, North American Breweries, Inc. and KPS Capital Partners LP's claim for injunctive relief (Claim II) is dismissed as moot.

IT IS FURTHER ORDERED AND ADJUDGED THAT, pursuant to the above-recited facts and the Decision and Order dated June 8, 2010, High Falls Brewing Company, LLC's claim for a declaration of non-arbitrability (Claim III) is dismissed with prejudice.

IT IS FURTHER ORDERED AND ADJUDGED THAT, pursuant to the above-recited facts and the Decision and Order dated June 8, 2010, High Falls Brewing Company, LLC's claim for injunctive relief (Claim IV) is dismissed with prejudice.

IT IS FURTHER ORDERED AND ADJUDGED THAT, pursuant to the above-recited facts and the Decisions and Orders dated August 4, 2011, September 15, 2011, and June 26, 2012, High Falls Operating Co, LLC, North American Breweries, Inc. and KPS Capital Partners LP's claim for a declaration of non-liability (Claim V) is dismissed as moot.

IT IS FURTHER ORDERED AND ADJUDGED THAT, pursuant to the above-recited facts and the Decisions and Orders dated August 4, 2011, September 15, 2011, and June 26, 2012, High Falls Brewing Company, LLC's claim for a declaration of non-liability (Claim VI) is dismissed with prejudice.

IT IS FURTHER ORDERED AND ADJUDGED that, pursuant to the Decisions and Orders dated August 4, 2011, September 15, 2011, and June 26, 2012, Boston Beer's counterclaim against High Falls Operating Co, LLC, North American Breweries, Inc. and KPS Capital Partners LP for tortious interference with contract (Counterclaim 1) is dismissed with prejudice;

IT IS FURTHER ORDERED AND ADJUDGED that, pursuant to the Stipulation and Order entered May 31, 2011, Boston Beer's counterclaims for breach of the implied covenant of good faith and fair dealing (Counterclaim 2), immediate possession or foreclosure (Counterclaim 3), and conversion (Counterclaim 4) are dismissed with prejudice.

IT IS FURTHER ORDERED AND ADJUDGED that this action is closed.

DATED this 7 day of SEPT, 2012.


DISTRICT COURT JUDGE